

SERVICE DATE – OCTOBER 25, 2012

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 711

PETITION FOR RULEMAKING TO ADOPT REVISED  
COMPETITIVE SWITCHING RULES

Decided: October 24, 2012

This decision grants requests to modify the procedural schedule filed by the U.S. Department of Agriculture (USDA) and The National Industrial Transportation League (NITL).

By decision served on July 25, 2012, the Board began a proceeding to consider a proposal submitted by NITL to increase rail-to-rail competition, and sought empirical information about the impact of the proposal, if it were to be adopted. The Board made its most recent confidential Waybill Sample available to allow commenters to conduct the requested empirical analyses, and established a procedural schedule for the filing of opening submissions and responses.

On September 27, 2012, the USDA filed a request that the Board extend the procedural schedule to allow for a thorough analysis of the Waybill Sample and preparation of its comments. The USDA requests that the deadline for filing initial comments be extended until March 1, 2013. On October 3, 2012, NITL filed a petition joining in USDA's request for modification of the procedural schedule, stating that it is in the process of conducting an empirical analysis of the Waybill Sample, but believes that more time will be needed to complete that analysis and prepare its opening submission. NITL proposes that the deadline for filing opening submissions be extended until March 1, 2013, with responses due May 30, 2013.

The Association of American Railroads filed a response on October 9, 2012, stating that it does not object to the requests, and no other party to this proceeding has filed an objection to the requested modifications. As such, the unopposed requests to modify the procedural schedule, filed by USDA and NITL, will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. USDA's and NITL's requests to modify the procedural schedule are granted. Opening submissions are due by March 1, 2013, and responses are due by May 30, 2013.

2. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.